

Municipal Clerk
Atlanta, Georgia

03-0-0534

**A SUBSTITUTE ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

UEZ-03-01

**A SUBSTITUTE ORDINANCE TO CREATE THE "BROOKSIDE PARK HOUSING
ENTERPRISE ZONE", TO BE LOCATED AT 1970 METROPOLITAN PARKWAY,
S.W., AND FOR OTHER PURPOSES.**

NPU "X"

COUNCIL DISTRICT 12

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Brookside Park Housing Enterprise Zone";

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Brookside Park Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Brookside Park Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Brookside Park Housing Enterprise Zone" is hereby created for the subject property at 1970 Metropolitan Parkway, SW, which represents Parcel Code Number (PCN) 14-0090-LL-027-6. The effective date of all exemptions established therein shall be January 1, 2004. The "Brookside Park Housing Enterprise Zone" shall be abolished on December 31, 2013. The "Brookside Park Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Brookside Park Housing Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Brookside Park Enterprise Zone" shall be developed as a residential development project, which shall consist of 200 multifamily rental units comprising 220,385 total square feet of building space on the former site of the Atlanta Trailer City. The subject property contains 14.36 acres of land.

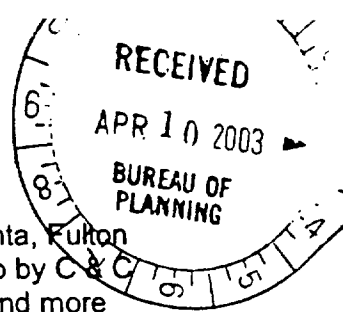
Section 4. The development of the "Brookside Park Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation, which are defined as follows, per City Code Section 146-52(2)b1: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. The "Brookside Park Housing Enterprise Zone" shall consist of the following breakdown of affordable housing units: 138 of the proposed 200 total units (69%), which shall be comprised of 39 of the 56 one-bedroom units (70%), 71 of the 102 two-bedroom units (70%), and 28 of the 42 three-bedroom units (67%).

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Brookside Park Housing Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

Exhibit "A"

Metropolitan Avenue



All that parcel of land lying or being in Land Lot 90, 14th District, City of Atlanta, Fulton County, as shown on survey for Brookside Park, Limited Partnership by C & C Land Surveyors, Inc. dated December 23, 2002, last revised April 8, 2003 and more particularly described as follows:

Begin at a point on the east right-of-way of Metropolitan Avenue (60-foot right-of-way) (formerly known as Stewart Avenue) 143.23 feet south from its intersection with the south right-of-way of Grant Street (30-foot right-of-way).

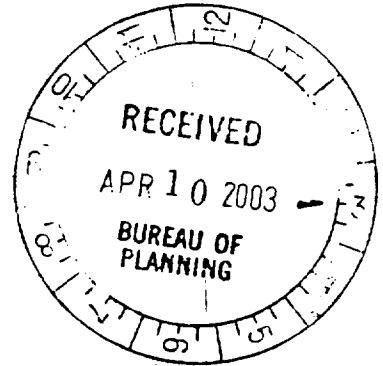
Thence North 87 degrees 23 minutes 17 seconds East a distance of 26.57 feet to a point located in the centerline of a creek; **Thence** along the centerline of the creek the following calls South 80 degrees 21 minutes 28 seconds East a distance of 73.08 feet to a point; **Thence** North 89 degrees 54 minutes 49 seconds East a distance of 53.47 feet to a point; **Thence** South 76 degrees 10 minutes 10 seconds East a distance of 81.08 feet to a point; **Thence** South 46 degrees 12 minutes 41 seconds East a distance of 90.30 feet to a point; **Thence** North 79 degrees 33 minutes 52 seconds East a distance of 43.45 feet to a point; **Thence** South 41 degrees 53 minutes 10 seconds East a distance of 34.16 feet to a point; **Thence** South 56 degrees 15 minutes 26 seconds East a distance of 121.55 feet to a point; **Thence** South 72 degrees 42 minutes 16 seconds East a distance of 93.58 feet to a point; **Thence** leaving the centerline of the creek South 02 degrees 00 minutes 31 seconds West a distance of 70.96 feet to a point; **Thence** North 89 degrees 17 minutes 16 seconds East a distance of 320.06 feet to a point; **Thence** North 02 degrees 18 minutes 31 seconds East a distance of 68.00 feet to a point located on the south right-of-way of Interstate Highway 75 and 85. **Thence** along the right-of-way of Interstate 75 and 85 North 89 degrees 19 minutes 18 seconds East a distance of 45.03 feet to a point; **Thence** continuing along the Interstate right-of-way South 03 degrees 43 minutes 16 seconds West a distance of 52.42 feet to a point; **Thence** continuing along the Interstate right-of-way South 85 degrees 19 minutes 38 seconds East a distance of 87.99 feet to a point; **Thence** continuing along the Interstate right-of-way South 10 degrees 22 minutes 59 seconds West a distance of 281.36 feet to a point; **Thence** continuing along the Interstate right-of-way South 18 degrees 03 minutes 14 seconds West a distance of 255.32 feet to a point; **Thence** leaving the right-of-way of Interstate 75 and 85 North 88 degrees 55 minutes 43 seconds West a distance of 412.34 feet to a point; **Thence** South 00 degrees 30 minutes 58 seconds West a distance of 381.78 feet to a point located on the north right-of-way of St. Johns Avenue (40-foot right-of-way); **Thence** along the north right-of-way of St. Johns Avenue North 88 degrees 55 minutes 43 seconds West a distance of 269.85 feet to a point located in the centerline of an abandoned 10-foot alley; **Thence** leaving the right-of-way of St. Johns Avenue North 00 degrees 30 minutes 58 seconds East a distance of 369.60 feet to a point located on the former south right-of-way of Climax Place (abandoned and closed road); **Thence** along the abandoned south right-of-way of Climax Place North 88 degrees 55 minutes 43 seconds West a distance of 193.11 feet to a point located on the east right-of-way of Metropolitan Avenue; **Thence** along the right-of-way of Metropolitan Avenue North 00 degrees 15 minutes 33 seconds East a distance of 234.83 feet to a point; **Thence** leaving the right-of-way of Metropolitan Avenue South 89 degrees 15 minutes 39 seconds East a distance of 231.33 feet to an iron pin found; **Thence** North 02 degrees 00 minutes 52 seconds a distance of 193.00 feet to a point; **Thence** 87 degrees 54 minutes 35 seconds West a distance of 5.29 feet to a point; **Thence** North 06 degrees 02 minutes 55 seconds East a distance of 14.10 feet to a point; **Thence** South 87 degrees 50 minutes 14 seconds West a distance of 22.64 feet to a point;

UEZ-03-01

Exhibit "A", .Continued

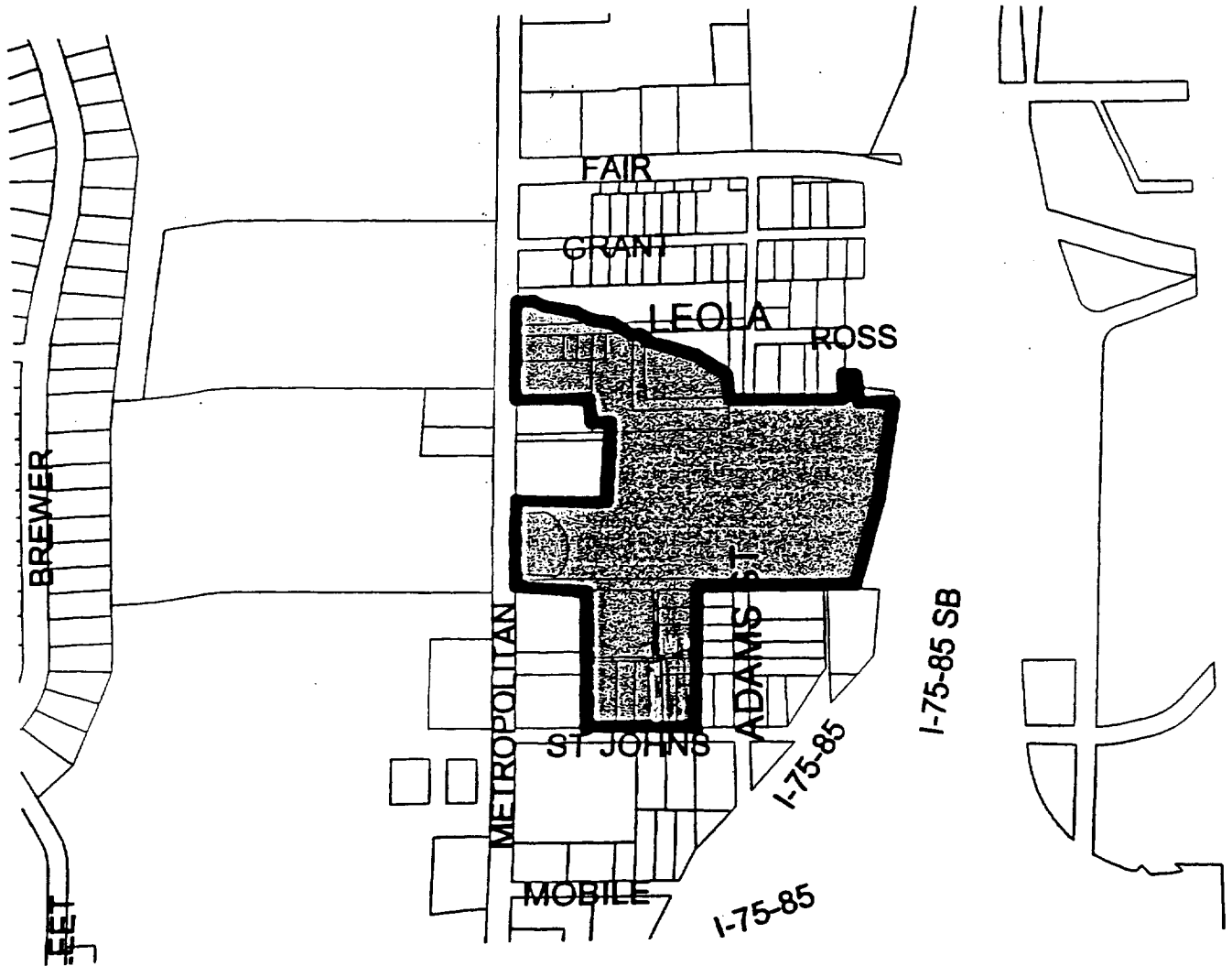
Thence North 00 degrees 26 minutes 02 seconds East a distance of 88.86 feet to a point; **Thence** South 88 degrees 00 minutes 57 seconds West a distance of 211.18 feet to a point located on the east right-of-way of Metropolitan Avenue; **Thence** along the right-of-way of Metropolitan Avenue North 00 degrees 15 minutes 33 seconds East a distance of 259.34 feet to the **Point of Beginning**.

Said parcel of land contains 625,637 square feet or 14.363 acres of land.

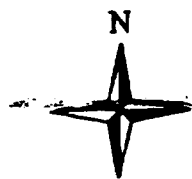





BROOKSIDE PARK HOUSING ENTERPRISE ZONE

1970 METROPOLITAN PARKWAY, SW.
DIST. 14, LAND LOT 90.
COUNCIL DIST 9 NPU - X



UEZ - 03 - 01



-  Npu-x-parcels.shp
-  Npu-x-streets.shp
-  Uez - 03 - 02.shp

PROJECT CHECKLIST FOR UEZ-03-01:
Proposed "Brookside Park Housing Enterprise Zone"
To be Located at 1970 Metropolitan Parkway, SW

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
<u>1. Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 25% for Census Block Group 1 of Census Tract 75, which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Block Group 1 of Census Tract 75 has an unemployment rate of 2.8%, which is not more than the State Average of 4%. (2)	No.
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ compared to the Police Zone; OR (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police Beat 304 has a crime rate of 22%, which is more than that of Police Zone 3. AND (2) Applicant has also submitted acceptable documentation of the presence of abandoned and/or dilapidated structures within one block of the project area.	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "X" has $\leq 2\%$ of development activity within the City for residential development, which meets the required minimum of $\leq 20\%$.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 14.36 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Has two designations: 1) "Medium-Density Residential", with an allowed FAR of 0.350 to 0.699; and 2) "Low-Density Commercial", with a maximum allowed FAR of 3.0.	Proposed FAR: 0.347.	√
4. Zoning Compliance	Zoned "RG-3", per Z-02-04, and "C-1." The rezoning was not conditioned on a specific site plan or on any other conditions.	Proposed uses are allowed within "RG-3" and "C-1." The development would have a residential FAR of 0.347, which is allowed under these zoning classifications.	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	At least 30% of the total 200 housing units (60 units) would be constructed before the end of 2004.	√
7. Non-Displacement	Minimum Displacement	Applicant has submitted a relocation plan.	√
8. Affordability	Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 138 of the proposed 200 total units (69%), which shall be comprised of 39 of the 56 one-bedroom units (70%) 71 of the 102 two-bedroom units (70%), and 28 of the 42 three-bedroom units (67%).	√
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/ Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	Applicant certifies compliance.	√
10. Job Creation	First Source Jobs Policy	Would create four fulltime, permanent new jobs.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	Proposed development project would have a negative cash flow and a debt coverage ratio of <1.20.	√



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

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DEPARTMENT OF
PLANNING AND
COMMUNITY DEVELOPMENT

CHARLES C. GRAVES, III
COMMISSIONER

BEVERLEY DOCKERAY-OJO
INTERIM DIRECTOR
BUREAU OF PLANNING

February 21, 2003

Mr. David H. Dixon, Manager, NS Partners, LLC (G.P.)
Brookside Park Limited Partnership
C/o Norsouth Corporation
6445 Powers Ferry Road, NW, Suite 198
Atlanta, Georgia 30339

Dear Mr. Dixon:

This letter serves as notification of several matters pertaining to the urban enterprise zone application that you recently submitted to us as part of Cycle I, 2003.

Receipt of the UEZ Application. We received your Urban Enterprise Zone (UEZ) application for property that is located at 1970 Metropolitan Parkway, SW. You have proposed the creation of the "Brookside Park Housing Enterprise Zone" for the subject property. Your application was assigned the case number of UEZ-03-01, and we have also assigned the temporary parcel code number (PCN) of T14-0090-LL027-80. We are reviewing your application for completeness and accuracy, and will be contacting you soon by telephone concerning any additional information or clarification that we need.

Completion of the UEZ Eligibility Analysis. Meanwhile, we have completed the UEZ eligibility analysis for the subject property, as attached. We are pleased to inform you that we have determined that the subject property IS ELIGIBLE for urban enterprise zone designation:

Required NPU Meeting. As part of the UEZ designation process, you are required to attend a Neighborhood Planning Unit (NPU) meeting. Your property is located in NPU "X", which holds monthly meetings at the Zone 3 Mini Precinct in the Crossroads Shopping Center at 2027 Metropolitan Parkway, SW. We are scheduling your UEZ case for the NPU "X" meeting to be held on Monday, March 10, 2003, beginning at 7:00 p.m. Please attend this meeting (or send a designee) and make a presentation of your application. The NPU "X" members will vote on your application, with such vote serving as a recommendation to City Council. Please note that it is possible that NPU "X" members may request that you also attend one or more neighborhood association meetings before or after the NPU "X" meeting. Please contact the NPU "X" Chairperson, Joyce Sheperd, immediately at (404) 758-1194 (home) or (770) 327-2390 (pager) concerning this.

Required Public Hearing & Optional Committee Meeting. The second required meeting is the public hearing to be conducted by the City's Community Development/Human Resources (CD/HR) Committee on Monday, May 12, 2003. The public hearing will be held in the City Hall Council Chambers on the Second Floor of City Hall (at 55 Trinity Avenue), beginning at 6:00 p.m. Please be prepared make a presentation about your UEZ application and to answer any questions at the public hearing. We encourage you to also attend the CD/HR Committee meeting to be held the following day, on Tuesday, May 13, 2003, where the CD/HR Committee will vote on your application and make a recommendation to the full City Council. That meeting will be held in Committee Room #2 on the Second Floor of City Hall (55 Trinity Avenue), beginning at 1:00 p.m.

Creation of the Urban Enterprise Zone. Provided that no deferrals have occurred, the full City Council will then vote on your case at its regular meeting on May 19, 2003. If the City Council votes to approve your case, the Mayor then is allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature. The new urban enterprise zone would exist for ten years. You are cautioned that no building construction or renovation activity may begin before the ordinance to create your proposed urban enterprise zone has been adopted. However, pre-construction activities, such as demolition, clearance, and infrastructure installation, are allowed.

UEZ Tax Abatements. Your urban enterprise zone tax abatement would begin on January 1, 2004, such that 2004 is the first year in which the property can receive tax abatements on new or renovated improvements. The condition for the receipt of this tax abatement, you may recall, is that the construction or renovation of at least 30 percent of all proposed housing units on the property must be underway by December 31, 2004. Tax abatements are made on the new improvements or new renovations only, at 100 percent for the first five years. Thereafter, the tax abatements are 80 percent for Years 6 & 7, 60 percent for Year 8, 40 percent for Year 9, and 20 percent for Year 10. Some restrictions apply.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637. For further information concerning the NPU meeting, you may contact the NPU Coordinator, Valerie Bell-Smith, at (404) 330-6899.

Sincerely,



Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/Attachment

xc: Charles Graves, Commissioner
Beverley Dockeray-Ojo, Interim Director
Sara Wade Hicks, Assistant Director



CITY OF ATLANTA

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BUREAU OF PLANNING

February 21, 2003

Mr. David H. Dixon, Manager, NS Partners, LLC (G.P.)
Brookside Park Limited Partnership
c/o Norsouth Corporation
6445 Powers Ferry Road, NW, Suite 198
Atlanta, Georgia 30339

Dear Mr. Dixon:

Presented below is the REVISED Urban Enterprise Zone (UEZ) Eligibility Analysis for your UEZ application. This analysis is based on demographic data for 2002, and replaces the previous analysis that we presented to you in our December 16, 2002 letter. Please contact me at (404) 330-6637 regarding any questions that you have.

Linda M. Logan

Linda M. Logan, AICP, Principal Planner

PROPERTY IDENTIFICATION DATA

Address: 1970 Metropolitan Parkway, SW (consolidated from about 30 parcels)	Council District: 12.
PCN: T14-0090-LL027-80	Census Tract/Block: 75/111. District/Land Lot: 14/90. NPU: "X."
Case Number: UEZ-02-01	Proposed UEZ Name: "Brookside Park Housing Enterprise Zone"

U.E.Z. ELIGIBILITY ANALYSIS

REQUIRED CRITERION	UNIT(S) OF MEASURE*	U.E.Z. FINDING(S) AND CONCLUSIONS**
1. Evidence of Pervasive Poverty: $\geq 20\%$.	Census Tract: 75. Census Block Group: 1.	Poverty Rate is 25%, thus is $> 20\%$. Meets this criterion.
2. Unemployment: a. At least 10% higher than the State Average; OR b. Significant Job Loss.	a. Percentage for the Census Tract: 2.8%. b. Documentation from the applicant.	a. Unemployment Rate is less than the State Average (4.0%). b. Significant Job Loss is undetermined. Could meet this criterion.
3. General Distress: a. High Crime (Police Beat crime rate of $\geq 20\%$ compared to the Police Zone); OR b. Existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	a. Police Beat/Zone: 304/3. Crime Rate: 22%. OR b. Documentation (such as photographs) from the applicant.	a. Police Beat/Zone meets the high crime requirement. b. Applicant has submitted acceptable documentation of the presence of abandoned and/or dilapidated structures within one block of the project area. Meets this criterion.
4. Underdevelopment: $\leq 20\%$ of Development Activity Within the City.	NPU: "X." Percentage Within the NPU: -2% Res./+1% Non-Residential	The NPU has $\leq 20\%$ of development activity within the City. Meets this criterion.
RESULT OF THE ANALYSIS: THE PROPERTY IS X IS NOT COULD BE ELIGIBLE.		

*Source of utilized eligibility data: 2002 Database.

**To be eligible for enterprise zone designation, a property shall be located within an area that meets three of the four listed criteria: poverty, unemployment, general distress, and underdevelopment.